

1 JODY A. LANDRY, Bar No. 125743  
2 PAUL R. LYND, Bar No. 202764  
3 LITTLER MENDELSON  
A Professional Corporation  
4 650 California Street, 20th Floor  
San Francisco, CA 94108-2693  
Telephone: 415.433.1940  
Facsimile: 415.399.8490

5 Attorneys for Defendant  
6 USPROTECT CORPORATION

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 SUSAN SWANSON, SHANE MCGUIRE,  
12 and CLAUDIA MCGUIRE, individually  
and on behalf of all others similarly  
situated,

13 Plaintiffs,

14 v.

15 USPROTECT CORPORATION, a  
16 Maryland corporation formerly known as  
HOLIDAY INTERNATIONAL  
17 SECURITY, INC., and DOES 1 to 25,

18 Defendants.

19 Case No. C05-00602 JF

20 **DEFENDANT USPROTECT  
CORPORATION'S OFFER OF  
JUDGMENT TO PLAINTIFF SUSAN  
SWANSON**

21 [FRCP, Rule 68]

22  
23  
24  
25  
26  
27  
28

1 TO PLAINTIFF SUSAN SWANSON AND HER COUNSEL OF RECORD:

2 Defendant USProtect Corporation ("USProtect") hereby offers to allow entry of  
3 judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows: Judgment in favor  
4 of Plaintiff Susan Swanson against USProtect in the sum of fifteen thousand dollars (\$15,000.00),  
5 which sum shall include all costs and attorney's fees otherwise recoverable in this action.

6 Dated: March 31, 2006

7   
8 PAUL R. LYND  
9 LITTLER MENDELSON  
A Professional Corporation  
10 Attorneys for Defendant  
11 USPROTECT CORPORATION

12 Firmwide:80955678.1 044829.1009

13 IT IS SO ORDERED. 4/27/06

14 

15 JUDGE JEREMY FOGEL, US DISTRICT COURT

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JODY A. LANDRY, Bar No. 125743  
PAUL R. LYND, Bar No. 202764  
LITTLER MENDELSON  
A Professional Corporation  
650 California Street, 20th Floor  
San Francisco, California 94108  
Telephone: 415.433.1940  
Facsimile: 415.743.6653

Attorneys for Defendant  
USPROTECT CORPORATION

7

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA

10 SUSAN SWANSON, SHANE MCGUIRE,  
11 and CLAUDIA MCGUIRE, individually  
and on behalf of all others similarly  
situated.

Case No. 1-04-CV-025190

**PROOF OF SERVICE BY MAIL**

Plaintiffs.

v

1 USPROTECT CORPORATION, a  
15 Maryland corporation formerly known as  
HOLIDAY INTERNATIONAL  
16 SECURITY, INC., and DOES 1 TO 25.

#### Defendants.

I am employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 650 California Street, 20th Floor, San Francisco, California 94108-2693. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On March 31, 2006, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

**DEFENDANT USPROTECT CORPORATION'S OFFER OF  
JUDGMENT TO PLAINTIFF SHANE MCGUIRE [FRCP, RULE  
68]**

**DEFENDANT USPROTECT CORPORATION'S OFFER OF  
JUDGMENT TO PLAINTIFF SUSAN SWANSON [FRCP, RULE  
68]**

1  
2 DEFENDANT USPROTECT CORPORATION'S OFFER OF  
3 JUDGMENT TO PLAINTIFF CLAUDIA MCGUIRE [FRCP,  
4 RULE 68]  
5

6 AFFIDAVIT OF JAMES D. BREEN IN SUPPORT OF  
7 DEFENDANT USPROTECT CORPORATION'S POSITION IN  
8 SETTLEMENT DISCUSSIONS [CONFIDENTIAL—FOR  
9 SETTLEMENT PURPOSES ONLY]

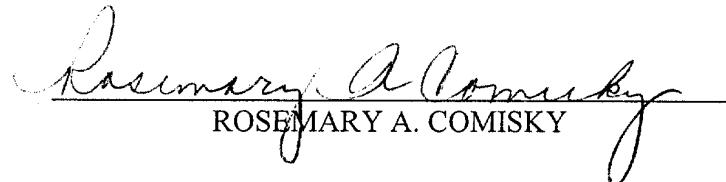
10 in a sealed envelope, postage fully paid, addressed as follows:

11 Michael Millen, Esq.  
12 119 Calle Marguerita #100  
13 Los Gatos, CA 95032

14 Following ordinary business practices, the envelope was sealed and placed for  
15 collection and mailing on this date, and would, in the ordinary course of business, be deposited with  
16 the United States Postal Service on this date.

17 I declare under penalty of perjury under the laws of the State of California that the  
18 above is true and correct.

19 Executed on March 31, 2006, at San Francisco, California.

20   
21 ROSEMARY A. COMISKY  
22

23 San\_Francisco:31309585.1 044829.1009  
24  
25  
26  
27  
28